

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: - 6 MAY 2010

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KATHARINE ALLISON,

Plaintiff,

-against-

ORDER

10 Civ. 0177 (LAP)

WILLIAM B. ALLISON; JAMES A.
MONTAGNINO, ESQ., INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS SPECIAL
REFEREE; RONALD BAVERO, ESQ.;
HOWARD LEITNER, ESQ.; BERMAN,
BAVERO, FRUCCO & GOUZ, P.C.; LORI A.
SULLIVAN, ESQ.; GEORGIA KRAMER, ESQ.;
ELIOT WIENER, ESQ.; HALL DICKLER KENT
FRIEDMAN & WOOD LLP; JOSEPH J.A.
TRINGALI, ESQ.; HEATHER COOK; RAND
REALTY, AKA BETTER HONES AND
GARDENS REAL ESTATE LLC, AKA RAND
REAL ESTATE SERVICES, INC, AKA BETTER
HOMES AND GARDENS RAND REALTY,
AKA BETTTER HOMES AND GARDENS
REAL ESTATE RAND REALTY, AKA
BETTER HOMES AND GARDENS REAL
ESTATE LLC. RAND REALTY; REALOGY
CORPORATION; FRED L. SHAPIRO, ESQ.,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS AN ACTING SUPREME COURT
JUSTICE; HON. ANTHONY A. SCARPINO,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS ACTING SUPREME COURT
JUSTICE; HON. FRANCIS NICOLAI,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS ADMINISTRATIVE JUDGE, 9TH
JUDICIAL DISTRICT; HON. JONATHAN
LIPPMAN, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS CHIEF JUDGE OF
THE STATE OF NEW YORK; HON. ANN
PFAU, INDIVIDUALLY AND IN HER
OFFICIAL CAPACITY AS CHIEF
ADMINISTRATIVE JUDGE OF THE STATE OF
NEW YORK; JOSEPHINE TROVINI, ESQ.,

INDIVIDUALLY AND IN HER OFFICIAL :
 CAPACITY AS COURT ATTORNEY/REFEREE; :
 APRILANNE AGOSTINO, ESQ., :
 INDIVIDUALLY AND IN HER OFFICIAL :
 CAPACITY AS CHIEF CLERK OF THE :
 APPELLATE COURT OF THE SECOND :
 DEPARTMENT; MARY C. MONE, ESQ., :
 INDIVIDUALLY AND IN HER OFFICIAL :
 CAPACITY AS COUNSEL TO THE CHIEF :
 JUDGE OF THE STATE OF NEW YORK, :
 :
 Defendants. :
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By order dated January 11, 2010, the Court *sua sponte* dismissed plaintiff's *pro se* complaint. On April 21, 2010, plaintiff filed an "Affirmation in Support of Motion for Reconsideration and Reinstatement of Complaint" pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On April 26, 2010, plaintiff also filed a "Notice of Motion for Reconsideration of Dismissal and Reinstatement of Complaint" pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Plaintiff's motion for reconsideration is DENIED for the reasons set forth below.

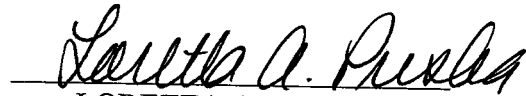
Nothing in plaintiff's motion for reconsideration under Rule 60(b) justifies the setting aside of this Court's order or judgment. The motion is not based on newly discovered evidence, Fed. R. Civ. P. 60(b)(2), or a cognizable claim of mistake, inadvertence, surprise or excusable neglect, Fed. R. Civ. P. 60(b)(1). Rather, plaintiff alleges that the Court misunderstood the issues presented in her complaint. The Court, however, as outlined by its January 11, 2010 order, did not misunderstand the issues plaintiff presented. Plaintiff is essentially seeking to challenge the jurisdiction of quasi-judicial officers to make rulings in various state court proceedings related to

a matrimonial action and attempts to cloak allegations she has previously asserted in new garbs to form new claims. Thus, it was proper for the Court to dismiss her complaint under the *Rooker-Feldman* doctrine, the domestic relations exception to federal jurisdiction and other grounds.

It is well-settled that relief under Rule 60(b)(6) may be granted only in “extraordinary circumstances.” See Ackerman v. United States, 340 U.S. 193, 199-202 (1950); Nemaizer v. Baker, 793 F.2d 58, 61 (2d Cir. 1986). Plaintiff’s instant motion for reconsideration does not present such circumstances.

Accordingly, plaintiff’s motion for reconsideration is denied. The Clerk of Court is directed to accept no further submissions under this docket number, except for papers directed to the Court of Appeals for the Second Circuit. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438 (1962).

SO ORDERED.


LORETTA A. PRESKA
Chief Judge

Dated: **5 6 MAY 2010**
New York, New York